

REMARKS

The application has been reviewed in light of the Office Action dated November 14, 2003. Claims 1-10 are pending, with Claims 1 and 9 being independent. Claims 1-4 and 6-8 stand rejected under 35 U.S.C. §103(a) over U.S. Patent 6,374,089 to Till ("Till") in view of U.S. Patent 6,314,183 to Pehrsson et al. ("Pehrsson"). Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Till and Pehrsson in view of WO 92/09163 to Wohl ("Wohl"). It is respectfully requested that the above-listed rejections be withdrawn in view of the preceding amendment and the following discussion.

Claims 1-4 and 6-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Till in view of Pehrsson. Claim 1 has been slightly amended to recite the inventive subject in more clear terms without introducing any new issue.

The Examiner asserts that since Till discloses a switch actuating a motor (column 5, lines 41-57) and motor control means (column 2, lines 39-49), Till's teaching, combined with a sensor of Pehrsson, renders Claim 1 of the present invention unpatentable. Applicant respectfully disagrees.

Till teaches that an open switch generates a signal, which enables the motor to rotate a flip cover between its fully open and closed positions. Till does not disclose a controller that automatically deactivates the motor after the flip cover has reached its open position, as recited in Claim 1. In use, the motor of Till operates as long as an electromagnet (92) exerts a pulling force displacing a motor shaft (42, FIGS. 2, 3) along with a coupler (60) to an engaging position, in which the flip cover rotates. Once the *electromagnet* is deenergized, the shaft and coupler are retracted, and the flip cover stops. However, although Till discloses a motor control means, no teaching is provided that this means can *deactivate* a motor, once the flip cover reaches its fully open position, as recited in Claim 1. In contrast, Till discloses that "In the retracted position, the teeth 64 of the coupler 60 are disengaged from the teeth 26 of the flip cover 20 such that *the coupler 60 may rotate* without causing the flip cover 20 to rotate." See column 4, lines

32-35. (Emphasis added) Thus, Till explicitly teaches that the motor control means does not deactivate the motor in the open position of the flip cover, since the coupler (60) is rotatably fixed to the motor shaft. Motor control means of Till is adapted to control an electromotive damping force for dynamically loading (dampening) the motor, which is altogether different from stopping the motor. (See column 6, lines 57-64). In contrast, Claim 1, as amended, recites that the opening/closing device is deactivated in the open position of the sub-body.

Turning to Pehrsson, the Examiner asserts that this reference discloses a sensor functioning similarly to the detector, as recited in Claim 1 of this application. Whether Pehrsson suggests using the sensor similar to the claimed one is not as important as the lack of suggestion regarding the use of the controller operative to deactivate the motor in the open position of the sub-body, as recited in amended Claim 1.

Thus, since neither Till nor Pehrsson teaches or suggests deactivating the motor in the fully open position of the sub-body, the cited combination cannot render a structure as recited in amended Claim 1 obvious. Accordingly, it is believed that Claim 1, as amended, is unobvious in light of the cited combination and is patentable over this combination.

Claims 2-4 and 6-8 depend from Claim 1 and should be allowed at least for the same reasons.

Accordingly, it is respectfully requested that the 35 U.S.C. 103(a) rejection of Claims 1-4 and 6-8 be withdrawn.

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Till and Pehrsson in view of WO 92/09163 to Wohl ("Wohl").

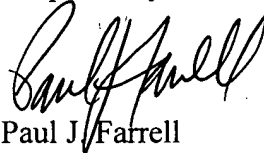
Claim 5 depends from Claim 1 and should be allowed at least for the same reasons. Therefore, it is respectfully requested that the 35 U.S.C. 103(a) rejection of Claim 5 be withdrawn.

New independent Claim 9 recites similar subject matter as Claim 1, and is distinguished from the cited prior art for the reasons discussed above in regard to Claim 1.

It is respectfully requested that Claims 1, 9 and 10 be considered on the merits.

In view of the foregoing amendments and remarks, it is respectfully submitted that all of the claims now pending in the application, namely claims 1-10 are believed to be in condition for allowance. Early and favorable reconsideration is respectfully requested. Should the Examiner believe that a telephone or personal interview may facilitate resolution of any remaining matters, the Examiner is respectfully requested to phone applicants' attorney at the number indicated below.

Respectfully submitted,



Paul J. Farrell
Registration No. 33,494
Attorney for Applicant

DILWORTH & BARRESE
333 Earle Ovington Boulevard
Uniondale, New York 11553
(516) 228-8484
(516) 228-8516 (FAX)